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*Attorneys for Defendants Diamondback Shooting Sports, Inc.,
Loan Prairie, LLC d/b/a The Hub, SNG Tactical, LLC and Sprague's Sports, Inc.*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Estados Unidos Mexicanos,

Plaintiff,

vs.

Diamondback Shooting Sports, Inc., an
Arizona corporation; SNG Tactical, LLC,
an Arizona limited liability company;
Loan Prairie, LLC D/B/A The Hub, an
Arizona limited liability company; Ammo
A-Z, LLC, an Arizona limited liability
company; Sprague's Sports, Inc., an
Arizona corporation,

Defendants.

Case No: 4:22-cv-00472-TUC-RM

**DIAMONDBACK SHOOTING SPORTS,
INC.'S FIRST AMENDED ANSWER
AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

JURY TRIAL DEMANDED

Defendant Diamondback Shooting Sports, Inc., ("Diamondback") by and through its

1 attorneys, Renzulli Law Firm, LLP and Lorber, Greenfield & Olsen, LLP, respectfully submits
2 its First Amended Answer to Plaintiff's Complaint as follows:

3
4 **I. INTRODUCTION**

5 1. Diamondback denies the allegations in Paragraph 1 of the Complaint, except
6 admits that it is a Federal Firearms Licensee located in the State of Arizona. To the extent the
7 allegations in Paragraph 1 of the Complaint are directed to other defendants, Diamondback
8 denies knowledge or information sufficient to form a belief about the truth of such allegations,
9 and refers all questions of law to this Honorable Court.
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11 2. Diamondback denies knowledge or information sufficient to form a belief about the
12 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 2
13 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
14 Paragraph 2 of the Complaint that Diamondback had actual or constructive knowledge of any
15 alleged illegally activity taking place in its premises.
16

17 3. Diamondback denies the allegations in Paragraph 3 of the Complaint. To the extent
18 the allegations in Paragraph 3 of the Complaint are directed to other defendants, Diamondback
19 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
20 same are denied.
21

22 4. Diamondback denies knowledge or information sufficient to form a belief about the
23 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 4
24 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
25 Paragraph 4 of the Complaint that Diamondback had actual or constructive knowledge of any
26 alleged illegally activity taking place in its premises.
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1 5. Diamondback denies the allegations in Paragraph 5 of the Complaint. To the extent
2 the allegations in Paragraph 5 of the Complaint are directed to other defendants, Diamondback
3 denies knowledge or information sufficient to form a belief about the truth of such allegations so
4 same are denied.
5

6 6. Diamondback denies the allegations in Paragraph 6 of the Complaint. To the extent
7 the allegations in Paragraph 6 of the Complaint are directed to other defendants, Diamondback
8 denies knowledge or information sufficient to form a belief about the truth of such allegations. To
9 the extent the allegations in Paragraph 6 of the Complaint relate to Plaintiff's purported motivation
10 in bringing this lawsuit, Diamondback denies knowledge or information sufficient to form a belief.
11 Defendant refers all questions of law to this Honorable Court.
12

13 7. Diamondback denies the allegations in Paragraph 7 of the Complaint and refers all
14 questions of law to this Honorable Court.
15

16 8. Diamondback states that the allegations in Paragraph 8 of the Complaint are not
17 directed to any defendant, and as such, no response is required. To the extent that a response is
18 required, it denies knowledge or information sufficient to form a belief about the truth of the
19 allegations in Paragraph 8 of the Complaint.
20

21 9. Diamondback denies the allegations in Paragraph 9 of the Complaint. To the extent
22 the allegations in Paragraph 9 of the Complaint are directed to other defendants, Diamondback
23 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
24 same are denied.
25

26 10. Diamondback denies the allegations in Paragraph 10 of the Complaint. To the extent
27 the allegations in Paragraph 10 of the Complaint are directed to other defendants, Diamondback
28

1 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
2 same are denied. To the extent the allegations in Paragraph 10 relate to information outside the
3 knowledge of any defendant, Diamondback denies knowledge or information sufficient to form a
4 belief.
5

6 11. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50) and the choice of law
7 analysis contained therein, Mexican law does not apply. Notwithstanding, Diamondback denies the
8 allegations in Paragraph 11 of the Complaint to the extent they relate to purported violations of
9 U.S. federal and state statutes, and refers all questions of law to this Honorable Court. To the extent
10 the allegations in Paragraph 11 of the Complaint are directed to other defendants, Diamondback
11 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
12 same are denied.
13

14 12. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
15 claims (Counts Nine through Thirteen of the Complaint) and Arizona Consumer Fraud Act claim
16 (Count Seven of the Complaint) were dismissed, and as such, no response to such allegations or
17 claims is required. Notwithstanding, Diamondback denies the factual allegations in Paragraph 12 of
18 the Complaint, and refers all questions of law to this Honorable Court. To the extent the allegations
19 in Paragraph 12 of the Complaint are directed to other defendants, Diamondback denies knowledge
20 or information sufficient to form a belief about the truth of such allegations, so same are denied.
21

22 13. Paragraph 13 of the Complaint solely outlines a request for relief, to which a
23 response is not required. To the extent that a response is required, Diamondback denies the
24 allegations in Paragraph 13 of the Complaint, notes that the U.S. Government already monitors
25 defendants' firearms sales practices through the Department of Justice's Bureau of Alcohol,
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1 Tobacco, Firearms and Explosives (“ATF”), and refers all questions of law to this Honorable
2 Court.

3 4 II. PARTIES

5 14. Diamondback admits that Plaintiff is a sovereign nation that shares a border with the
6 United States. The remaining allegations in Paragraph 14 of the Complaint call for legal
7 conclusions to which no response is required. To the extent that a response is required,
8 Diamondback denies the allegations in Paragraph 14 of the Complaint, and refers all questions of
9 law to this Honorable Court.
10

11 15. Diamondback denies the allegations in Paragraph 15 of the Complaint, except admits
12 that it is a corporation organized and existing under the laws of the State of Arizona.

13 16. Diamondback states that the allegations in Paragraph 16 of the Complaint are
14 directed to another defendant. To the extent that a response is required, it denies knowledge or
15 information sufficient to form a belief about the truth of the allegations in Paragraph 16 of the
16 Complaint, and refers all questions of law to this Honorable Court.
17

18 17. Diamondback states that the allegations in Paragraph 17 of the Complaint are
19 directed to another defendant. To the extent that a response is required, it denies knowledge or
20 information sufficient to form a belief about the truth of the allegations in Paragraph 17 of the
21 Complaint, and refers all questions of law to this Honorable Court.
22

23 18. Diamondback states that the allegations in Paragraph 18 of the Complaint are
24 directed to another defendant. To the extent that a response is required, it denies knowledge or
25 information sufficient to form a belief about the truth of the allegations in Paragraph 18 of the
26 Complaint, and refers all questions of law to this Honorable Court.
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1 19. Diamondback states that the allegations in Paragraph 19 of the Complaint are
2 directed to another defendant. To the extent that a response is required, it denies knowledge or
3 information sufficient to form a belief about the truth of the allegations in Paragraph 19 of the
4 Complaint, and refers all questions of law to this Honorable Court.

5
6 20. Diamondback denies the allegations in Paragraph 20 of the Complaint. To the extent
7 that the allegations in Paragraph 20 of the Complaint are directed to other defendants,
8 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
9 allegations, so same are denied.
10

11 **III. JURISDICTION AND VENUE**

12 21. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims (Counts Nine through Thirteen of the Complaint) were dismissed, and as such, such claims
14 do not form the basis for subject matter jurisdiction. Diamondback admits that there is complete
15 diversity between the Plaintiff and defendants, denies that Plaintiff's claims for damages have any
16 value, and refers all questions of law to this Honorable Court as to whether diversity jurisdiction
17 exists.
18

19 22. Diamondback denies that any "events or omissions" committed by it give rise to any
20 claim being brought by Plaintiff, but admits that based on the allegations in the Complaint, venue is
21 proper in this District.
22

23 **IV. DEFENDANTS**

24 23. Diamondback denies the allegations in Paragraph 23 of the Complaint. To the extent
25 that the allegations in Paragraph 23 of the Complaint are directed to other defendants,
26 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
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1 allegations, so same are denied.

2 24. Diamondback denies the allegations in Paragraph 24 of the Complaint. To the extent
3 that the allegations in Paragraph 24 of the Complaint are directed to other defendants,
4 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
5 allegations, so same are denied.
6

7 25. Diamondback denies the allegations in Paragraph 25 of the Complaint To the extent
8 that the allegations in Paragraph 25 of the Complaint are directed to other defendants,
9 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
10 allegations, so same are denied.
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12 26. Diamondback denies knowledge or information sufficient to form a belief about the
13 truth of the allegations in Paragraph 26 of the Complaint, so same are denied.
14

15 27. Diamondback denies knowledge or information sufficient to form a belief about the
16 truth of the allegations in Paragraph 27 of the Complaint, so same are denied.

17 28. Diamondback denies knowledge or information sufficient to form a belief about the
18 truth of the allegations in Paragraph 28 of the Complaint, so same are denied.
19

20 29. Diamondback denies knowledge or information sufficient to form a belief about the
21 truth of the allegations in Paragraph 29 of the Complaint, so same are denied.

22 30. The allegations in Paragraph 30 of the Complaint relate to Plaintiff's intentions
23 related to filing this lawsuit and the substance of its legal claims, to which no response is required
24 by this Defendant. To the extent that a response is required, Diamondback denies that it knowingly
25 and systematically participates in any scheme to traffic firearms into Mexico, and denies
26 knowledge or information to form a belief about the truth of the allegations in Paragraph 30 of the
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1 Complaint as asserted against other defendants, so same are denied.

2 31. Diamondback denies knowledge or information sufficient to form a belief about the
3 truth of the allegations in Paragraph 31 of the Complaint regarding the number of federal firearms
4 licensees located in Arizona or the population of Arizona, so same are denied. Diamondback denies
5 the remaining allegations in Paragraph 31 of the Complaint.
6

7 32. Diamondback denies the allegations in Paragraph 32 of the Complaint. To the extent
8 that the allegations in Paragraph 32 of the Complaint are directed to other defendants,
9 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
10 allegations, so same are denied.
11

12 33. Diamondback denies knowledge or information sufficient to form a belief about the
13 truth of the allegations in Paragraph 33 of the Complaint, so same are denied.
14

15 34. Diamondback denies the allegations in Paragraph 34 of the Complaint regarding the
16 cartels seeking out defendants' stores and denies knowledge or information sufficient to form a
17 belief about the truth of the allegations in Paragraph 34 of the Complaint regarding the number of
18 gun dealers between Nogales, Arizona and Diamondback, so same are denied. To the extent that
19 the allegations in Paragraph 34 of the Complaint are directed to other defendants, Diamondback
20 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
21 same are denied.
22

23 35. Diamondback denies the allegations in Paragraph 35 of the Complaint. To the extent
24 that the allegations in Paragraph 35 of the Complaint are directed to other defendants,
25 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
26 allegations, so same are denied.
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1 36. Diamondback denies knowledge or information sufficient to form a belief about the
2 truth of the allegations in Paragraph 36 of the Complaint as to what a federal judge said or didn't
3 say in an opinion in 2003, but notes that Diamondback was not a party to the lawsuit referenced in
4 Paragraph 36 of the Complaint and denies that decision has any relevance or effect on the claims in
5 this case.
6

7 37. Diamondback denies knowledge or information sufficient to form a belief about the
8 truth of the allegations in Paragraph 37 of the Complaint, but denies that the number of traces
9 connected to a particular federal firearms licensee is evidence of any illegal, intentional or
10 negligent conduct by such licensee, as ATF has indicated on numerous occasions. Diamondback
11 further denies knowledge or information sufficient to form a belief about the truth as to what a
12 federal judge said or didn't say in an opinion in 2003, but notes that Diamondback was not a party
13 to the lawsuit referenced in Paragraph 37 of the Complaint and denies that decision has any
14 relevance or effect on the claims in this case.
15
16

17 38. Diamondback denies the allegations in Paragraph 38 of the Complaint. To the
18 extent that the allegations in Paragraph 38 of the Complaint are directed to other defendants,
19 Diamondback denies knowledge or information sufficient to form a belief about the truth of
20 such allegations, so same are denied.
21

22 39. Diamondback denies the allegations in Paragraph 39 of the Complaint. To the extent
23 that the allegations in Paragraph 39 of the Complaint are directed to other defendants,
24 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
25 allegations, so same are denied.
26

27 40. Diamondback denies the allegations in Paragraph 40 of the Complaint. To the extent
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1 that the allegations in Paragraph 40 of the Complaint are directed to other defendants,
2 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
3 allegations, so same are denied.
4

5 41. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
6 apply to the action herein, and as such, no response to portions of Paragraph 41 of the Complaint is
7 required. Diamondback denies that it engages in any of the activities alleged in Paragraph 41 of the
8 Complaint, refers all questions of law to this Honorable Court, but admits that a licensed dealer
9 who knowingly transfers or sells a firearm to a person it knows is not the "actual transferee/buyer"
10 of the firearm, as that term is defined by the ATF, may be in violation of U.S. law.
11

12 42. Diamondback denies the allegations in Paragraph 42 of the Complaint except admits
13 that pursuant to 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a, federally licensed dealers are
14 required to file a Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form
15 3310.4) when two or more handguns are disposed of to a non-licensee within a five (5) business
16 day period, and this Report is sent to ATF and a designated local law enforcement agency.
17

18 43. Diamondback denies knowledge or information sufficient to form a belief about the
19 truth of the allegations in Paragraph 43 of the Complaint except admits federally licensed dealers
20 located in Arizona, California, New Mexico and Texas are required to file a Report of Multiple
21 Sale or Other Disposition of Certain Rifles (ATF Form 3310.12) when two or more semiautomatic
22 rifles capable of accepting a detachable magazine and with a caliber greater than .22 are disposed
23 of within a five (5) business day period to an unlicensed person.
24

25 44. Diamondback denies the allegations in Paragraph 44 of the Complaint. To the extent
26 that the allegations in Paragraph 44 of the Complaint refer to "buyers," "traffickers," and the
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1 “illegal market in Mexico,” Diamondback denies knowledge or information sufficient to form a
2 belief about the truth of such allegations, so same are denied.

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4 45. Diamondback denies the allegations in Paragraph 45 of the Complaint. To the extent
5 that the allegations in Paragraph 45 of the Complaint are directed to other defendants,
6 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
7 allegations, so same are denied.

8 46. Diamondback denies the allegations in Paragraph 46 of the Complaint.

9
10 47. Diamondback denies knowledge or information sufficient to form a belief about the
11 truth of the allegations in Paragraph 47 of the Complaint as to what a federal judge said or didn’t
12 say in an opinion in 2003, but notes that Diamondback was not a party to the lawsuit referenced in
13 Paragraph 47 of the Complaint and denies that decision has any relevance or effect on the claims in
14 this case.

15
16 48. Diamondback denies the allegations in Paragraph 48 of the Complaint. To the extent
17 that the allegations in Paragraph 48 of the Complaint are directed to other defendants,
18 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
19 allegations, so same are denied.

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21 49. Diamondback denies the allegations in Paragraph 49 of the Complaint and refers all
22 questions of law to this Honorable Court.

23
24 50. Diamondback denies the allegations in Paragraph 50 of the Complaint. To the extent
25 that the allegations in Paragraph 50 of the Complaint are directed to other defendants,
26 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
27 allegations, so same are denied.

1 51. Diamondback denies the allegations in Paragraph 51 of the Complaint.

2 52. Diamondback denies the allegations in Paragraph 52 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 52 of the
4 Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 53. Diamondback denies the allegations in Paragraph 53 of the Complaint. To the extent
8 that the allegations in Paragraph 53 of the Complaint are directed to other defendants,
9 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
10 allegations, so same are denied.
11

12 **V. EXAMPLES OF SPECIFIC SALES**

13 54. Diamondback denies the allegations in Paragraph 54 of the Complaint. To the extent
14 that the allegations in Paragraph 54 of the Complaint are directed to other defendants,
15 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
16 allegations, so same are denied.
17

18 55. Diamondback denies the allegations in Paragraph 55 of the Complaint. To the extent
19 that the allegations in Paragraph 55 of the Complaint are directed to other defendants,
20 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
21 allegations, so same are denied.
22

23 56. There are no allegations of fact contained in Paragraph 56 of the Complaint, but
24 Diamondback denies any implication or inference of wrongdoing contained in Paragraph 56 of the
25 Complaint.
26

27 57. Diamondback denies knowledge or information sufficient to form a belief about the
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1 truth of the allegations in Paragraph 57 of the Complaint, as they are not directed to Diamondback,
2 so same are denied.

3
4 58. Diamondback denies knowledge or information sufficient to form a belief about the
5 truth of the allegations in Paragraph 58 of the Complaint, as they are not directed to Diamondback,
6 so same are denied.

7
8 59. Diamondback denies knowledge or information sufficient to form a belief about the
9 truth of the allegations in Paragraph 59 of the Complaint, as they are not directed to Diamondback,
10 so same are denied.

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12 60. Diamondback denies knowledge or information sufficient to form a belief about the
13 truth of the allegations in Paragraph 60 of the Complaint, as they are not directed to Diamondback,
14 so same are denied.

15
16 61. Diamondback denies knowledge or information sufficient to form a belief about the
17 truth of the allegations in Paragraph 61 of the Complaint, as they are not directed to Diamondback,
18 so same are denied.

19
20 62. Diamondback denies knowledge or information sufficient to form a belief about the
21 truth of the allegations in Paragraph 62 of the Complaint, as they are not directed to Diamondback,
22 so same are denied.

23
24 63. Diamondback denies knowledge or information sufficient to form a belief about the
25 truth of the allegations in Paragraph 63 of the Complaint, as they are not directed to Diamondback,
26 so same are denied.

27
28 64. Diamondback denies knowledge or information sufficient to form a belief about the
truth of the allegations in Paragraph 64 of the Complaint, as they are not directed to Diamondback,

1 so same are denied.

2 65. Diamondback denies knowledge or information sufficient to form a belief about the
3 truth of the allegations in Paragraph 65 of the Complaint, as they are not directed to Diamondback,
4 so same are denied.
5

6 66. Diamondback denies knowledge or information sufficient to form a belief about the
7 truth of the allegations in Paragraph 66 of the Complaint, as they are not directed to Diamondback,
8 so same are denied.
9

10 67. Diamondback denies knowledge or information sufficient to form a belief about the
11 truth of the allegations in Paragraph 67 of the Complaint, as they are not directed to Diamondback,
12 so same are denied.
13

14 68. Diamondback denies knowledge or information sufficient to form a belief about the
15 truth of the allegations in Paragraph 68 of the Complaint, as they are not directed to Diamondback,
16 so same are denied.
17

18 69. Diamondback denies knowledge or information sufficient to form a belief about the
19 truth of the allegations in Paragraph 69 of the Complaint, as they are not directed to Diamondback,
20 so same are denied.
21

22 70. Diamondback denies knowledge or information sufficient to form a belief about the
23 truth of the allegations in Paragraph 70 of the Complaint, as they are not directed to Diamondback,
24 so same are denied.
25

26 71. Diamondback denies knowledge or information sufficient to form a belief about the
27 truth of the allegations in Paragraph 71 of the Complaint, as they are not directed to Diamondback,
28 so same are denied.

1 72. Diamondback denies knowledge or information sufficient to form a belief about the
2 truth of the allegations in Paragraph 72 of the Complaint, as they are not directed to Diamondback,
3 so same are denied.

4
5 73. Diamondback denies knowledge or information sufficient to form a belief about the
6 truth of the allegations in Paragraph 73 of the Complaint, as they are not directed to Diamondback,
7 so same are denied.

8
9 74. Diamondback denies the allegations in Paragraph 74 of the Complaint and refers all
10 questions of law to this Honorable Court.

11 75. Diamondback denies knowledge or information sufficient to form a belief about the
12 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 75
13 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
14 Paragraph 75 of the Complaint that Diamondback had actual or constructive knowledge of any
15 alleged illegally activity taking place in its premises.

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17 76. Diamondback denies the allegations in Paragraph 76 of the Complaint and refers all
18 questions of law to this Honorable Court.

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20 77. Diamondback denies knowledge or information sufficient to form a belief about the
21 truth of the allegations in Paragraph 77 of the Complaint, as they are not directed to Diamondback,
22 so same are denied.

23 78. Diamondback denies knowledge or information sufficient to form a belief about the
24 truth of the allegations in Paragraph 78 of the Complaint, as they are not directed to Diamondback,
25 so same are denied.

26
27 79. Diamondback denies knowledge or information sufficient to form a belief about the
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1 truth of the allegations in Paragraph 79 of the Complaint, as they are not directed to Diamondback,
2 so same are denied.

3
4 80. Diamondback denies knowledge or information sufficient to form a belief about the
5 truth of the allegations in Paragraph 80 of the Complaint, as they are not directed to Diamondback,
6 so same are denied.

7
8 81. Diamondback denies knowledge or information sufficient to form a belief about the
9 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 81
10 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
11 Paragraph 81 of the Complaint that Diamondback had actual or constructive knowledge of any
12 alleged illegally activity taking place in its premises.

13
14 82. Diamondback denies knowledge or information sufficient to form a belief about the
15 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 82
16 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
17 Paragraph 82 of the Complaint that Diamondback had actual or constructive knowledge of any
18 alleged illegally activity taking place in its premises.

19
20 83. Diamondback denies knowledge or information sufficient to form a belief about the
21 truth of the allegations in Paragraph 83 of the Complaint, as they are not directed to Diamondback,
22 so same are denied.

23
24 84. Diamondback denies knowledge or information sufficient to form a belief about the
25 truth of the allegations in Paragraph 84 of the Complaint, as they are not directed to Diamondback,
26 so same are denied.

27 85. Diamondback denies knowledge or information sufficient to form a belief about the
28

1 truth of the allegations in Paragraph 85 of the Complaint, as they are not directed to Diamondback,
2 so same are denied.

3
4 86. Diamondback denies the allegations in Paragraph 86 of the Complaint and refers all
5 questions of law to this Honorable Court.

6
7 87. Diamondback denies knowledge or information sufficient to form a belief about the
8 truth of the allegations in Paragraph 87 of the Complaint, as they are not directed to Diamondback,
9 so same are denied.

10
11 88. Diamondback denies knowledge or information sufficient to form a belief about the
12 truth of the allegations in Paragraph 88 of the Complaint, as they are not directed to Diamondback,
13 so same are denied.

14
15 89. Diamondback denies knowledge or information sufficient to form a belief about the
16 truth of the allegations in Paragraph 89 of the Complaint, as they are not directed to Diamondback,
17 so same are denied.

18
19 90. Diamondback denies knowledge or information sufficient to form a belief about the
20 truth of the allegations in Paragraph 90 of the Complaint, as they are not directed to Diamondback,
21 so same are denied.

22
23 91. Diamondback denies knowledge or information sufficient to form a belief about the
24 truth of the allegations in Paragraph 91 of the Complaint, as they are not directed to Diamondback,
25 so same are denied.

26
27 92. Diamondback denies knowledge or information sufficient to form a belief about the
28 truth of the allegations in Paragraph 92 of the Complaint, as they are not directed to Diamondback,
so same are denied.

1 93. Diamondback denies knowledge or information sufficient to form a belief about the
2 truth of the actions of the United States or persons unaffiliated with Diamondback in Paragraph 93
3 of the Complaint, so same are denied, but Diamondback specifically denies any allegation in
4 Paragraph 93 of the Complaint that Diamondback had actual or constructive knowledge of any
5 alleged illegally activity taking place in its premises.
6

7 94. Diamondback denies knowledge or information sufficient to form a belief about the
8 truth of the allegations in Paragraph 94 of the Complaint, as they are not directed to Diamondback,
9 so same are denied.
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11 95. Diamondback denies knowledge or information sufficient to form a belief about the
12 truth of the allegations in Paragraph 95 of the Complaint, as they are not directed to Diamondback,
13 so same are denied.
14

15 96. Diamondback denies knowledge or information sufficient to form a belief about the
16 truth of the allegations in Paragraph 96 of the Complaint, as they are not directed to Diamondback,
17 so same are denied.
18

19 97. Diamondback denies knowledge or information sufficient to form a belief about the
20 truth of the allegations in Paragraph 97 of the Complaint, as they are not directed to Diamondback,
21 so same are denied.
22

23 98. Diamondback denies the allegations in Paragraph 98 of the Complaint and refers all
24 questions of law to this Honorable Court.

25 99. Diamondback denies knowledge or information sufficient to form a belief about the
26 truth of the allegations in Paragraph 99 of the Complaint, as they are not directed to Diamondback,
27 so same are denied.
28

1 100. Diamondback denies knowledge or information sufficient to form a belief about the
2 truth of the allegations in Paragraph 100 of the Complaint, as they are not directed to
3 Diamondback, so same are denied.
4

5 101. Diamondback denies knowledge or information sufficient to form a belief about the
6 truth of the allegations in Paragraph 101 of the Complaint, as they are not directed to
7 Diamondback, so same are denied.
8

9 102. Diamondback denies knowledge or information sufficient to form a belief about the
10 truth of the allegations in Paragraph 102 of the Complaint, as they are not directed to
11 Diamondback, so same are denied.
12

13 103. Diamondback denies knowledge or information sufficient to form a belief about the
14 truth of the allegations in Paragraph 103 of the Complaint, as they are not directed to
15 Diamondback, so same are denied.
16

17 104. Diamondback denies the allegations in Paragraph 104 of the Complaint and refers all
18 questions of law to this Honorable Court.
19

20 105. Diamondback denies knowledge or information sufficient to form a belief about the
21 truth of the allegations in Paragraph 105 of the Complaint, as they are not directed to
22 Diamondback, so same are denied.
23

24 106. Diamondback denies knowledge or information sufficient to form a belief about the
25 truth of the allegations in Paragraph 106 of the Complaint, as they are not directed to
26 Diamondback, so same are denied.
27

28 107. Diamondback denies knowledge or information sufficient to form a belief about the
truth of the allegations in Paragraph 107 of the Complaint, as they are not directed to

1 Diamondback, so same are denied.

2 108. Diamondback denies knowledge or information sufficient to form a belief about the
3 truth of the allegations in Paragraph 108 of the Complaint, as they are not directed to
4 Diamondback, so same are denied.
5

6 109. Diamondback denies knowledge or information sufficient to form a belief about the
7 truth of the allegations in Paragraph 109 of the Complaint, as they are not directed to
8 Diamondback, so same are denied.
9

10 110. Diamondback denies knowledge or information sufficient to form a belief about the
11 truth of the allegations in Paragraph 110 of the Complaint, as they are not directed to
12 Diamondback, so same are denied.
13

14 111. Diamondback denies the allegations in Paragraph 111 of the Complaint and refers all
15 questions of law to this Honorable Court.

16 112. Diamondback denies the allegations in Paragraph 112 of the Complaint and refers all
17 questions of law to this Honorable Court. To the extent the allegations in Paragraph 112 of the
18 Complaint are directed to other defendants, Diamondback denies knowledge or information
19 sufficient to form a belief about the truth of such allegations, so same are denied.
20

21 113. Diamondback denies knowledge or information sufficient to form a belief about the
22 truth of the allegations in Paragraph 113 of the Complaint, as they are not directed to
23 Diamondback, so same are denied.
24

25 114. Diamondback denies knowledge or information sufficient to form a belief about the
26 truth of the allegations in Paragraph 114 of the Complaint, as they are not directed to
27 Diamondback, so same are denied.
28

1 115. Diamondback denies knowledge or information sufficient to form a belief about the
2 truth of the allegations in Paragraph 115 of the Complaint, as they are not directed to
3 Diamondback, so same are denied.
4

5 116. Diamondback denies knowledge or information sufficient to form a belief about the
6 truth of the allegations in Paragraph 116 of the Complaint, as they are not directed to
7 Diamondback, so same are denied.
8

9 117. Diamondback denies the allegations in Paragraph 117 of the Complaint and refers all
10 questions of law to this Honorable Court. To the extent the allegations in Paragraph 117 of the
11 Complaint are directed to other defendants, Diamondback denies knowledge or information
12 sufficient to form a belief about the truth of such allegations, so same are denied.
13

14 VI. DATA

15 118. Diamondback denies the allegations in Paragraph 118 of the Complaint. To the
16 extent that the allegations in Paragraph 118 of the Complaint are directed to other defendants,
17 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
18 allegations, so same are denied.
19

20 119. Diamondback denies the allegations in Paragraph 119 of the Complaint. To the
21 extent that the allegations in Paragraph 119 of the Complaint are directed to other defendants,
22 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
23 allegations, so same are denied.
24

25 120. Diamondback denies the allegations in Paragraph 120 of the Complaint. To the
26 extent that the allegations in Paragraph 120 of the Complaint are directed to other defendants,
27 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
28

1 allegations, so same are denied.

2 121. Diamondback denies the allegations in Paragraph 121 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 121 of the
4 Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations.
6

7 122. Diamondback denies the allegations in Paragraph 122 of the Complaint. To the
8 extent that the allegations in Paragraph 122 of the Complaint are directed to other defendants,
9 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
10 allegations, so same are denied.
11

12 123. Diamondback denies the allegations in Paragraph 123 of the Complaint. To the
13 extent that the allegations in Paragraph 123 of the Complaint are directed to other defendants and
14 non-parties, Diamondback denies knowledge or information sufficient to form a belief about the
15 truth of such allegations, so same are denied.
16

17 124. Diamondback denies the allegations in Paragraph 124 of the Complaint.
18

19 **VII. DEFENDANTS' LEGAL DUTIES**

20 125. Diamondback denies the allegations in Paragraph 125 of the Complaint and refers all
21 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 125 of the
22 Complaint are directed to other defendants, Diamondback denies knowledge or information
23 sufficient to form a belief about the truth of such allegations, so same are denied.
24

25 126. Diamondback denies the allegations in Paragraph 126 of the Complaint and refers all
26 questions of law to this Honorable Court.

27 127. Diamondback denies the allegations in Paragraph 127 of the Complaint and refers all
28

1 questions of law to his Honorable Court. To the extent that the allegations in Paragraph 127 of the
2 Complaint are directed to other defendants, Diamondback denies knowledge or information
3 sufficient to form a belief about the truth of such allegations, so same are denied.
4

5 128. Diamondback denies the allegations in Paragraph 128 of the Complaint. To the
6 extent that the allegations in Paragraph 128 of the Complaint are directed to other defendants,
7 Diamondback denies knowledge or information to form a belief about the truth of such allegations,
8 so same are denied.
9

10 129. Diamondback denies the allegations in Paragraph 129 of the Complaint and refers all
11 questions of law to this Honorable Court.

12 130. Diamondback denies the allegations in Paragraph 130 of the Complaint and refers all
13 questions of law to this Honorable Court.
14

15 131. Diamondback denies the allegations in Paragraph 131 of the Complaint and refers all
16 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 131 of the
17 Complaint are directed to other defendants, Diamondback denies knowledge or information to
18 form a belief about the truth of such allegations, so same are denied.
19

20 132. The paragraph designated as “132” of the Complaint includes solely legal
21 conclusions, and as such, no response is necessary. However, in the event the Court determines
22 that an answer is required, Diamondback states that the referenced statutes and regulation speak for
23 themselves, and refers all questions of law to this Honorable Court.
24

25 133. The paragraph designated as “133” of the Complaint includes solely legal
26 conclusions, and as such, no response is necessary. However, in the event the Court determines
27 that an answer is required, Diamondback states that the referenced statutes speak for themselves,
28

1 and refers all questions of law to this Honorable Court.

2 134. The paragraph designated as “134” of the Complaint includes solely legal
3 conclusions, and as such, no response is necessary. However, in the event the Court determines
4 that an answer is required, Diamondback states that the referenced statute speaks for itself,
5 Diamondback lacks knowledge or information sufficient to form a belief as to why such laws were
6 enacted, and refers all questions of law to this Honorable Court.

7
8 135. Portions of the paragraph designated as “135” of the Complaint include solely legal
9 conclusions, and as such, no response to same is necessary. Diamondback states that the referenced
10 statutes and regulations speak for themselves, Diamondback lacks knowledge or information
11 sufficient to form a belief as to why such laws were enacted, and refers all questions of law to this
12 Honorable Court. However, Diamondback admits that the “Bureau of Alcohol, Tobacco, Firearms
13 and Explosives has partnered with the National Shooting Sports Foundation . . . in designing an
14 educational program to assist firearm retailers in the detection and possible deterrence of ‘straw
15 purchasers’ . . .”
16
17

18 136. Diamondback denies that the National Shooting Sports Foundation sets “standards”
19 through its “Don’t Lie for the Other Guy” campaign. Diamondback further states that the literature
20 associated with that educational campaign speaks for itself, and denies any remaining allegations in
21 Paragraph 136 of the Complaint.
22

23 137. Diamondback denies the allegations in Paragraph 137 of the Complaint, except
24 admits that in most circumstances, before transferring a firearm to any person who is not a licensed
25 dealer, among other requirements, a licensed dealer may have to conduct a background check,
26 examine the prospective buyer/transferee’s identification, and record the transaction on a firearm
27
28

1 transaction record, also known as an ATF Form 4473.

2 138. Diamondback denies the allegations in Paragraph 138 of the Complaint, except
3 admits that in most circumstances, before transferring a firearm to any person who is not a licensed
4 dealer, among other requirements, a buyer must fill out an ATF Form 4473, which currently
5 contains question 21(a), which states the following: “Are you the actual transferee/buyer of all of
6 the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? **Warning:**
7 **You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on**
8 **behalf of another person. If you are not the actual transferee/buyer, the licensee cannot**
9 **transfer any of the firearm(s) to you.** Exception: If you are only picking up a repaired
10 firearm(s) for another person, you are not required to answer 21.a. and may proceed to question
11 21.b.”

12 139. The paragraph designated as “139” of the Complaint includes solely legal
13 conclusions, and as such, no response is necessary. However, in the event the Court determines
14 that an answer is required, Diamondback states that the referenced statutes and regulations speak
15 for themselves, Diamondback lacks knowledge or information sufficient to form a belief as to why
16 such laws were enacted, and refers all questions of law to this Honorable Court.

17 140. The paragraph designated as “140” of the Complaint includes solely legal
18 conclusions, and as such, no response is necessary. However, in the event the Court determines
19 that an answer is required, Diamondback states that the referenced statutes and regulations speak
20 for themselves, and refers all questions of law to this Honorable Court.

21 141. Diamondback states that the ATF Form 4473 speaks for itself, denies any remaining
22 allegations in Paragraph 141 of the Complaint, and refers all questions of law to his Honorable
23
24
25
26
27
28

1 Court.

2 142. The paragraph designated as “142” of the Complaint includes solely legal
3 conclusions, and as such, no response is necessary. However, in the event the Court determines
4 that an answer is required, Diamondback states that the referenced statutes and regulations speak
5 for themselves, and refers all questions of law to this Honorable Court.
6

7 143. The paragraph designated as “143” of the Complaint includes solely legal
8 conclusions, and as such, no response is necessary. However, in the event the Court determines
9 that an answer is required, Diamondback states that the referenced statutes speak for themselves,
10 and refers all questions of law to this Honorable Court.
11

12 144. The paragraph designated as “144” of the Complaint includes solely legal
13 conclusions, and as such, no response is necessary. However, in the event the Court determines
14 that an answer is required, Diamondback states that the referenced statutes and regulations speak
15 for themselves, and refers all questions of law to this Honorable Court.
16

17 145. The paragraph designated as “145” of the Complaint includes solely legal
18 conclusions, and as such, no response is necessary. However, in the event the Court determines
19 that an answer is required, Diamondback states that the referenced statutes and regulations speak
20 for themselves, and refers all questions of law to this Honorable Court.
21

22 146. Diamondback denies the allegations in Paragraph 146 of the Complaint and refers all
23 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 146 of the
24 Complaint are directed to other defendants, Diamondback denies knowledge or information
25 sufficient to form a belief about the truth of such allegations, so same are denied.
26

27 147. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not
28

1 apply to the action herein. To the extent that a response is required, Diamondback denies
2 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
3 147 of the Complaint.

4
5 148. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
6 apply to the action herein. To the extent that a response is required, Diamondback denies
7 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
8 148 of the Complaint.

9
10 149. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
11 apply to the action herein. To the extent that a response is required, Diamondback denies
12 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
13 149 of the Complaint.

14
15 150. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
16 apply to the action herein. To the extent that a response is required, Diamondback denies
17 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
18 150 of the Complaint, and refers all questions of law to this Honorable Court.

19
20 151. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
21 apply to the action herein. To the extent that a response is required, Diamondback denies
22 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
23 151 of the Complaint.

24
25 152. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
26 apply to the action herein. To the extent that a response is required, Diamondback denies
27 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
28

1 152 of the Complaint.

2 153. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
3 apply to the action herein. To the extent that a response is required, Diamondback denies
4 knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph
5 153 of the Complaint.
6

7 154. The paragraph designated as "154" of the Complaint includes solely legal
8 conclusions, and as such, no response is necessary. However, in the event the Court determines
9 that an answer is required, Diamondback states that the referenced statutes and regulations speak
10 for themselves, and refers all questions of law to this Honorable Court.
11

12 155. The paragraph designated as "155" of the Complaint includes solely legal
13 conclusions, and as such, no response is necessary. However, in the event the Court determines
14 that an answer is required, Diamondback states that the referenced statutes and regulations speak
15 for themselves, and refers all questions of law to this Honorable Court.
16

17 156. The paragraph designated as "156" of the Complaint includes solely legal
18 conclusions, and as such, no response is necessary. However, in the event the Court determines
19 that an answer is required, Diamondback states that the referenced statutes and regulations speak
20 for themselves, and refers all questions of law to this Honorable Court.
21

22 157. The paragraph designated as "157" of the Complaint includes solely legal
23 conclusions, and as such, no response is necessary. However, in the event the Court determines
24 that an answer is required, Diamondback states that the referenced statutes and regulations speak
25 for themselves, and refers all questions of law to this Honorable Court.
26

27 158. The paragraph designated as "158" of the Complaint includes solely legal
28

1 conclusions, and as such, no response is necessary. However, in the event the Court determines
2 that an answer is required, Diamondback states that the referenced statutes and regulations speak
3 for themselves, and refers all questions of law to this Honorable Court.
4

5 159. The paragraph designated as “159” of the Complaint includes solely legal
6 conclusions, and as such, no response is necessary. However, in the event the Court determines
7 that an answer is required, Diamondback states that the referenced statutes and regulations speak
8 for themselves, and refers all questions of law to this Honorable Court.
9

10 160. The paragraph designated as “160” of the Complaint includes legal conclusions, and
11 as such, no response is necessary. However, in the event the Court determines that an answer is
12 required, Diamondback states that the referenced statutes and regulations speak for themselves,
13 refers all questions of law to this Honorable Court, and admits that murder, drug dealing, extortion,
14 and other criminal acts committed by Cartels in Mexico would constitute a felony if such acts
15 occurred in the United States.
16

17 161. Diamondback denies the allegations in Paragraph 161 of the Complaint and refers all
18 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 161 of the
19 Complaint are directed to other defendants, Diamondback denies knowledge or information
20 sufficient to form a belief about the truth of such allegations, so same are denied.
21

22 162. Diamondback denies the allegations in Paragraph 162 of the Complaint and refers all
23 questions of law to this Honorable Court.
24

25 163. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not
26 apply to the action herein. To the extent that a response is required, Diamondback denies the
27 allegations in Paragraph 163 of the Complaint and refers all questions of law to this Honorable
28

1 Court.

2 164. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
3 apply to the action herein. To the extent that a response is required, Diamondback denies the
4 allegations in Paragraph 164 of the Complaint and refers all questions of law to this Honorable
5 Court.
6

7 165. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
8 apply to the action herein. To the extent that a response is required, Diamondback denies the
9 allegations in Paragraph 165 of the Complaint and refers all questions of law to this Honorable
10 Court.
11

12 166. Diamondback denies the allegations in Paragraph 166 of the Complaint and refers all
13 questions of law to this Honorable Court.
14

15 167. Diamondback denies the allegations in Paragraph 167 of the Complaint and refers all
16 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 167 of the
17 Complaint are directed to other defendants, Diamondback denies knowledge or information
18 sufficient to form a belief about the truth of such allegations, so same are denied.
19

20 168. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
21 apply to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 168
22 of the Complaint and refers all questions of law to this Honorable Court.
23

24 169. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
25 apply to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 169
26 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the
27 allegations in Paragraph 169 of the Complaint are directed to other defendants, Diamondback
28

1 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
2 same are denied.

3
4 170. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
5 apply to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 170
6 of the Complaint and refers all questions of law to this Honorable Court.

7
8 171. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
9 apply to the action herein. Notwithstanding, Diamondback denies the allegations in Paragraph 171
10 of the Complaint and refers all questions of law to this Honorable Court.

11
12 172. Diamondback denies the allegations in Paragraph 172 of the Complaint and refers all
13 questions of law to this Honorable Court.

14
15 173. Diamondback denies the allegations in Paragraph 173 of the Complaint and refers all
16 questions of law to this Honorable Court.

17
18 174. Diamondback denies the allegations in Paragraph 174 of the Complaint and refers all
19 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 174 of the
20 Complaint are directed to other defendants, Diamondback denies knowledge or information
21 sufficient to form a belief about the truth of such allegations, so same are denied.

22
23 175. Diamondback denies the allegations in Paragraph 175 of the Complaint and refers all
24 questions of law to this Honorable Court.

25
26 176. Diamondback denies the allegations in Paragraph 176 of the Complaint and refers all
27 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 176 of the
28 Complaint are directed to other defendants, Diamondback denies knowledge or information
sufficient to form a belief about the truth of such allegations, so same are denied.

1 177. Diamondback denies the allegation as to what these defendants can “justly
2 complain” of in terms of the Mexico’s unwillingness, inability and ineptitude in controlling,
3 preventing and stemming criminal activity within its borders, but denies information or knowledge
4 sufficient to form a belief as to specific programs conducted by law enforcement as set forth in
5 Paragraph 177 of the Complaint.
6

7 178. Diamondback denies the allegations in Paragraph 178 of the Complaint.
8

9 **VIII. DEFENDANTS’ ALLEGED RICO VIOLATIONS**

10 179. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff’s RICO claims is required. Notwithstanding,
13 Diamondback denies any factual allegations in Paragraph 179 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 179 of the Complaint are directed to other defendants, Diamondback denies knowledge or
16 information sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 180. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff’s RICO claims is required. Notwithstanding,
21 Diamondback denies any factual allegations in Paragraph 180 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 180 of the Complaint are directed to other defendants, Diamondback denies knowledge or
24 information sufficient to form a belief about the truth of such allegations, so same are denied.
25

26 181. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s RICO
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1 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
2 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
3 Diamondback denies any factual allegations in Paragraph 181 of the Complaint directed against it,
4 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
5 181 of the Complaint are directed to other defendants, Diamondback denies knowledge or
6 information sufficient to form a belief about the truth of such allegations, so same are denied.
7

8
9 182. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
10 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
11 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
12 Diamondback denies any factual allegations in Paragraph 182 of the Complaint directed against it,
13 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
14 182 of the Complaint are directed to other defendants, Diamondback denies knowledge or
15 information sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 183. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
19 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
20 Diamondback denies any factual allegations in Paragraph 183 of the Complaint directed against it,
21 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
22 183 of the Complaint are directed to other defendants, Diamondback denies knowledge or
23 information sufficient to form a belief about the truth of such allegations, so same are denied.
24

25
26 184. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
27 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
28

1 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
2 Diamondback denies any factual allegations in Paragraph 184 of the Complaint directed against it,
3 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
4 184 of the Complaint are directed to other defendants, Diamondback denies knowledge or
5 information sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 185. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
8 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
9 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
10 Diamondback denies any factual allegations in Paragraph 185 of the Complaint directed against it,
11 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
12 185 of the Complaint are directed to other defendants, Diamondback denies knowledge or
13 information sufficient to form a belief about the truth of such allegations, so same are denied.
14
15

16 186. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
18 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
19 Diamondback denies any factual allegations in Paragraph 186 of the Complaint directed against it,
20 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
21 186 of the Complaint are directed to other defendants, Diamondback denies knowledge or
22 information sufficient to form a belief about the truth of such allegations, so same are denied.
23
24

25 187. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
26 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
27 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
28

1 Diamondback denies any factual allegations in Paragraph 187 of the Complaint directed against it,
2 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
3 187 of the Complaint are directed to other defendants, Diamondback denies knowledge or
4 information sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 188. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
8 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
9 Diamondback denies any factual allegations in Paragraph 188 of the Complaint directed against it,
10 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
11 188 of the Complaint are directed to other defendants, Diamondback denies knowledge or
12 information sufficient to form a belief about the truth of such allegations, so same are denied.
13
14

15 189. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
16 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
17 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
18 Diamondback denies any factual allegations in Paragraph 189 of the Complaint directed against it,
19 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
20 189 of the Complaint are directed to other defendants, Diamondback denies knowledge or
21 information sufficient to form a belief about the truth of such allegations, so same are denied.
22

23 190. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
24 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
25 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
26 Diamondback denies any factual allegations in Paragraph 190 of the Complaint directed against it,
27
28

1 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
2 190 of the Complaint are directed to other defendants, Diamondback denies knowledge or
3 information sufficient to form a belief about the truth of such allegations, so same are denied.
4

5 191. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
6 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
7 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
8 Diamondback denies any factual allegations in Paragraph 191 of the Complaint directed against it,
9 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
10 191 of the Complaint are directed to other defendants, Diamondback denies knowledge or
11 information sufficient to form a belief about the truth of such allegations, so same are denied.
12

13 192. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
14 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
15 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
16 Diamondback denies any factual allegations in Paragraph 192 of the Complaint directed against it,
17 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
18 192 of the Complaint are directed to other defendants, Diamondback denies knowledge or
19 information sufficient to form a belief about the truth of such allegations, so same are denied.
20

21 193. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
24 Diamondback denies any factual allegations in Paragraph 193 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
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1 193 of the Complaint are directed to other defendants, Diamondback denies knowledge or
2 information sufficient to form a belief about the truth of such allegations, so same are denied.

3
4 194. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
6 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
7 Diamondback denies any factual allegations in Paragraph 194 of the Complaint directed against it,
8 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
9 194 of the Complaint are directed to other defendants, Diamondback denies knowledge or
10 information sufficient to form a belief about the truth of such allegations, so same are denied.

11
12 195. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
14 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
15 Diamondback denies any factual allegations in Paragraph 195 of the Complaint directed against it,
16 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
17 195 of the Complaint are directed to other defendants, Diamondback denies knowledge or
18 information sufficient to form a belief about the truth of such allegations, so same are denied.
19
20

21 196. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
24 Diamondback denies any factual allegations in Paragraph 196 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
26 196 of the Complaint are directed to other defendants, Diamondback denies knowledge or
27
28

1 information sufficient to form a belief about the truth of such allegations, so same are denied.

2 197. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
3 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
4 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
5 Diamondback denies any factual allegations in Paragraph 197 of the Complaint directed against it,
6 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
7 197 of the Complaint are directed to other defendants, Diamondback denies knowledge or
8 information sufficient to form a belief about the truth of such allegations, so same are denied.
9

10 198. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
13 Diamondback denies any factual allegations in Paragraph 198 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 198 of the Complaint are directed to other defendants, Diamondback denies knowledge or
16 information sufficient to form a belief about the truth of such allegations, so same are denied.
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18 199. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
21 Diamondback denies any factual allegations in Paragraph 199 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 199 of the Complaint are directed to other defendants, Diamondback denies knowledge or
24 information sufficient to form a belief about the truth of such allegations, so same are denied.
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1 200. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
2 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
3 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
4 Diamondback denies any factual allegations in Paragraph 200 of the Complaint directed against it,
5 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
6 200 of the Complaint are directed to other defendants, Diamondback denies knowledge or
7 information sufficient to form a belief about the truth of such allegations, so same are denied.
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10 201. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
13 Diamondback denies any factual allegations in Paragraph 201 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 201 of the Complaint are directed to other defendants, Diamondback denies knowledge or
16 information sufficient to form a belief about the truth of such allegations, so same are denied.
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18 202. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
21 Diamondback denies any factual allegations in Paragraph 202 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 202 of the Complaint are directed to other defendants, Diamondback denies knowledge or
24 information sufficient to form a belief about the truth of such allegations, so same are denied.
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26 203. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
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1 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
2 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
3 Diamondback denies any factual allegations in Paragraph 203 of the Complaint directed against it,
4 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
5 203 of the Complaint are directed to other defendants, Diamondback denies knowledge or
6 information sufficient to form a belief about the truth of such allegations, so same are denied.
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9 204. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
10 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
11 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
12 Diamondback denies any factual allegations in Paragraph 204 of the Complaint directed against it,
13 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
14 204 of the Complaint are directed to other defendants, Diamondback denies knowledge or
15 information sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 205. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
19 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
20 Diamondback denies any factual allegations in Paragraph 205 of the Complaint directed against it,
21 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
22 205 of the Complaint are directed to other defendants, Diamondback denies knowledge or
23 information sufficient to form a belief about the truth of such allegations, so same are denied.
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26 206. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
27 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
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1 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
2 Diamondback denies any factual allegations in Paragraph 206 of the Complaint directed against it,
3 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
4 206 of the Complaint are directed to other defendants, Diamondback denies knowledge or
5 information sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 207. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
8 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
9 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
10 Diamondback denies any factual allegations in Paragraph 207 of the Complaint directed against it,
11 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
12 207 of the Complaint are directed to other defendants, Diamondback denies knowledge or
13 information sufficient to form a belief about the truth of such allegations, so same are denied.
14

15 208. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
16 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
17 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
18 Diamondback denies any factual allegations in Paragraph 208 of the Complaint directed against it,
19 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
20 208 of the Complaint are directed to other defendants, Diamondback denies knowledge or
21 information sufficient to form a belief about the truth of such allegations, so same are denied.
22

23 209. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
24 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
25 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
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1 Diamondback denies any factual allegations in Paragraph 209 of the Complaint directed against it,
2 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
3 209 of the Complaint are directed to other defendants, Diamondback denies knowledge or
4 information sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 210. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
8 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
9 Diamondback denies any factual allegations in Paragraph 210 of the Complaint directed against it,
10 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
11 210 of the Complaint are directed to other defendants, Diamondback denies knowledge or
12 information sufficient to form a belief about the truth of such allegations, so same are denied.
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15 211. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
16 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
17 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
18 Diamondback denies any factual allegations in Paragraph 211 of the Complaint directed against it,
19 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
20 211 of the Complaint are directed to other defendants, Diamondback denies knowledge or
21 information sufficient to form a belief about the truth of such allegations, so same are denied.
22

23 212. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
24 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
25 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
26 Diamondback denies any factual allegations in Paragraph 212 of the Complaint directed against it,
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1 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
2 212 of the Complaint are directed to other defendants, Diamondback denies knowledge or
3 information sufficient to form a belief about the truth of such allegations, so same are denied.
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5 213. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
6 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
7 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
8 Diamondback denies any factual allegations in Paragraph 213 of the Complaint directed against it,
9 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
10 213 of the Complaint are directed to other defendants, Diamondback denies knowledge or
11 information sufficient to form a belief about the truth of such allegations, so same are denied.
12

13 214. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
14 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
15 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
16 Diamondback denies any factual allegations in Paragraph 214 of the Complaint directed against it,
17 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
18 214 of the Complaint are directed to other defendants, Diamondback denies knowledge or
19 information sufficient to form a belief about the truth of such allegations, so same are denied.
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21 215. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
24 Diamondback denies any factual allegations in Paragraph 215 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
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1 215 of the Complaint are directed to other defendants, Diamondback denies knowledge or
2 information sufficient to form a belief about the truth of such allegations, so same are denied.

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4 216. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
6 the allegations related to or in support of Plaintiff's RICO claims is required. Notwithstanding,
7 Diamondback denies any factual allegations in Paragraph 216 of the Complaint directed against it,
8 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
9 216 of the Complaint are directed to other defendants, Diamondback denies knowledge or
10 information sufficient to form a belief about the truth of such allegations, so same are denied.

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12 **IX. DEFENDANTS' ALLEGED CONSUMER FRAUD STATUTE VIOLATIONS**

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14 217. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
15 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
16 response to the allegations related to or in support of Plaintiff's CFA claims is required.
17 Notwithstanding, Diamondback denies the allegations in Paragraph 217 of the Complaint, refers all
18 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 217 of
19 the Complaint are directed to other defendants, Diamondback denies knowledge or information
20 sufficient to form a belief about the truth of such allegations, so same are denied.

21
22 218. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
23 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
24 response to the allegations related to or in support of Plaintiff's CFA claims is required.
25 Notwithstanding, Diamondback denies the allegations in Paragraph 218 of the Complaint, refers all
26 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 218 of
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1 the Complaint are directed to other defendants, Diamondback denies knowledge or information
2 sufficient to form a belief about the truth of such allegations, so same are denied.

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4 219. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
5 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
6 response to the allegations related to or in support of Plaintiff's CFA claims is required.
7 Notwithstanding, Diamondback denies the allegations in Paragraph 219 of the Complaint, refers all
8 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 219 of
9 the Complaint are directed to other defendants, Diamondback denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.

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12 220. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
13 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
14 response to the allegations related to or in support of Plaintiff's CFA claims is required.
15 Notwithstanding, Diamondback denies the allegations in Paragraph 220 of the Complaint, refers all
16 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 220 of
17 the Complaint are directed to other defendants, Diamondback denies knowledge or information
18 sufficient to form a belief about the truth of such allegations, so same are denied.

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21 221. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
22 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
23 response to the allegations related to or in support of Plaintiff's CFA claims is required.
24 Notwithstanding, Diamondback denies the allegations in Paragraph 221 of the Complaint, refers all
25 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 221 of
26 the Complaint are directed to other defendants, Diamondback denies knowledge or information
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1 sufficient to form a belief about the truth of such allegations, so same are denied.

2 222. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
3 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
4 response to the allegations related to or in support of Plaintiff's CFA claims is required.
5 Notwithstanding, Diamondback denies the allegations in Paragraph 222 of the Complaint, refers all
6 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 222 of
7 the Complaint are directed to other defendants, Diamondback denies knowledge or information
8 sufficient to form a belief about the truth of such allegations, so same are denied.
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10 223. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
11 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
12 response to the allegations related to or in support of Plaintiff's CFA claims is required.
13 Notwithstanding, Diamondback denies the allegations in Paragraph 223 of the Complaint, refers all
14 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 223 of
15 the Complaint are directed to other defendants, Diamondback denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 224. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
19 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
20 response to the allegations related to or in support of Plaintiff's CFA claims is required.
21 Notwithstanding, Diamondback denies the allegations in Paragraph 224 of the Complaint, refers all
22 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 224 of
23 the Complaint are directed to other defendants, Diamondback denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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1 225. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
2 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
3 response to the allegations related to or in support of Plaintiff's CFA claims is required.
4 Notwithstanding, Diamondback denies the allegations in Paragraph 225 of the Complaint, refers all
5 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 225 of
6 the Complaint are directed to other defendants, Diamondback denies knowledge or information
7 sufficient to form a belief about the truth of such allegations, so same are denied.
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10 226. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
11 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
12 response to the allegations related to or in support of Plaintiff's CFA claims is required.
13 Notwithstanding, Diamondback denies the allegations in Paragraph 226 of the Complaint, refers all
14 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 226 of
15 the Complaint are directed to other defendants, Diamondback denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 227. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
19 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
20 response to the allegations related to or in support of Plaintiff's CFA claims is required.
21 Notwithstanding, Diamondback denies the allegations in Paragraph 227 of the Complaint, refers all
22 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 227 of
23 the Complaint are directed to other defendants, Diamondback denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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26 228. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
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1 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
2 response to the allegations related to or in support of Plaintiff’s CFA claims is required.
3 Notwithstanding, Diamondback denies the allegations in Paragraph 228 of the Complaint, refers all
4 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 228 of
5 the Complaint are directed to other defendants, Diamondback denies knowledge or information
6 sufficient to form a belief about the truth of such allegations, so same are denied.
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9 229. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
10 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
11 response to the allegations related to or in support of Plaintiff’s CFA claims is required.
12 Notwithstanding, Diamondback denies the allegations in Paragraph 229 of the Complaint, refers all
13 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 229 of
14 the Complaint are directed to other defendants, Diamondback denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 230. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
18 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
19 response to the allegations related to or in support of Plaintiff’s CFA claims is required.
20 Notwithstanding, Diamondback denies the allegations in Paragraph 230 of the Complaint, refers all
21 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 230 of
22 the Complaint are directed to other defendants, Diamondback denies knowledge or information
23 sufficient to form a belief about the truth of such allegations, so same are denied.
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26 231. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
27 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
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1 response to the allegations related to or in support of Plaintiff's CFA claims is required.
2 Notwithstanding, Diamondback denies the allegations in Paragraph 231 of the Complaint, refers all
3 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 231 of
4 the Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 232. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
8 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
9 response to the allegations related to or in support of Plaintiff's CFA claims is required.
10 Notwithstanding, Diamondback denies the allegations in Paragraph 232 of the Complaint, refers all
11 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 232 of
12 the Complaint are directed to other defendants, Diamondback denies knowledge or information
13 sufficient to form a belief about the truth of such allegations, so same are denied.
14

15 233. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
16 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
17 response to the allegations related to or in support of Plaintiff's CFA claims is required.
18 Notwithstanding, Diamondback denies the allegations in Paragraph 233 of the Complaint, refers all
19 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 233 of
20 the Complaint are directed to other defendants, Diamondback denies knowledge or information
21 sufficient to form a belief about the truth of such allegations, so same are denied.
22

23 234. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
24 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
25 response to the allegations related to or in support of Plaintiff's CFA claims is required.
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1 Notwithstanding, Diamondback denies the allegations in Paragraph 234 of the Complaint, refers all
2 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 234 of
3 the Complaint are directed to other defendants, Diamondback denies knowledge or information
4 sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 **X. DEFENDANTS' ALLEGED HARM TO GOVERNMENT**

7 235. Diamondback denies the allegations in Paragraph 235 of the Complaint. To the
8 extent that the allegations in Paragraph 235 of the Complaint are directed to other defendants,
9 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
10 allegations, so same are denied.
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12 236. Diamondback denies the allegations in Paragraph 236 of the Complaint and refers all
13 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 236 of the
14 Complaint are directed to other defendants, Diamondback denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 237. Diamondback denies the allegations in Paragraph 237 of the Complaint and refers all
18 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 237 of the
19 Complaint are directed to other defendants, Diamondback denies knowledge or information
20 sufficient to form a belief about the truth of such allegations, so same are denied.
21

22 238. Diamondback denies the allegations in Paragraph 238 of the Complaint and refers all
23 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 238 of the
24 Complaint are directed to other defendants, Diamondback denies knowledge or information
25 sufficient to form a belief about the truth of such allegations, so same are denied.
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27 239. Diamondback denies knowledge or information sufficient to form a belief about the
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1 truth of the allegations in Paragraph 239 of the Complaint.

2 240. Diamondback denies the allegations in Paragraph 240 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 240 of the
4 Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations.
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7 241. Diamondback denies the allegations in Paragraph 241 of the Complaint and refers all
8 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 241 of the
9 Complaint are directed to other defendants, Diamondback denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.
11

12 242. Diamondback denies knowledge or information sufficient to form a belief about the
13 truth of the allegations in Paragraph 242 of the Complaint regarding any link between “gun
14 trafficking from the United States” to “horrendous consequences in Mexico” and as well as the
15 increase in illegal gun ownership and homicide rate in Mexico. Diamondback denies the remaining
16 allegations in Paragraph 242 of the Complaint.
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18 243. Diamondback denies the allegations in Paragraph 243 of the Complaint.
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20 244. Diamondback denies the allegations in Paragraph 244 of the Complaint.
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22 245. Diamondback denies the allegations in Paragraph 245 of the Complaint.
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24 246. Diamondback denies the allegations in Paragraph 246 of the Complaint.
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26 247. Diamondback denies the allegations in Paragraph 247 of the Complaint. To the
27 extent that the allegations in Paragraph 247 of the Complaint are directed to other defendants,
28 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
allegations, so same are denied.

1 248. Diamondback denies the allegations in Paragraph 248 of the Complaint and refers all
2 questions of law as to what damages are legally recoverable by Plaintiff to this Honorable Court.

3 249. Diamondback denies knowledge or information sufficient to form a belief about the
4 truth of the allegations in Paragraph 249 regarding life expectancy trends in Mexico, but denies the
5 allegation that deaths caused by firearms sold by Diamondback was causally related to any such
6 downward trends. To the extent that the allegations in Paragraph 249 of the Complaint are directed
7 to other defendants, Diamondback denies knowledge or information sufficient to form a belief
8 about the truth of such allegations, so same are denied.
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10 250. Diamondback denies the allegations in Paragraph 250 of the Complaint.

11 251. Diamondback denies knowledge or information sufficient to form a belief about the
12 truth of the allegations in Paragraph 251 of the Complaint.
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14 252. Diamondback denies the allegations in Paragraph 252 of the Complaint. To the
15 extent that the allegations in Paragraph 252 of the Complaint are directed to other defendants,
16 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
17 allegations, so same are denied.
18

19 253. Diamondback denies knowledge or information sufficient to form a belief about the
20 truth of the allegations in Paragraph 253 of the Complaint, and will hold Plaintiff to its proof in
21 admissible form.
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23 254. Diamondback denies knowledge or information sufficient to form a belief about the
24 truth of the allegations in Paragraph 254 of the Complaint, and will hold Plaintiff to its proof in
25 admissible form.
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27 255. Diamondback denies knowledge or information sufficient to form a belief about the
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1 truth of the allegations in Paragraph 255 of the Complaint, and will hold Plaintiff to its proof in
2 admissible form.

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4 256. Diamondback denies knowledge or information sufficient to form a belief about the
5 truth of the allegations in Paragraph 256 of the Complaint, and will hold Plaintiff to its proof in
6 admissible form.

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8 257. Diamondback denies knowledge or information sufficient to form a belief about the
9 truth of the allegations in Paragraph 257 of the Complaint, and will hold Plaintiff to its proof in
10 admissible form.

11 258. Diamondback denies the allegations in Paragraph 258 of the Complaint. To the
12 extent that the allegations in Paragraph 258 of the Complaint are directed to other defendants,
13 Diamondback denies knowledge or information sufficient to form a belief about the truth of such
14 allegations, so same are denied.

15
16 259. Diamondback denies the allegations in Paragraph 259 of the Complaint and refers all
17 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 259 of the
18 Complaint are directed to other defendants, Diamondback denies knowledge or information
19 sufficient to form a belief about the truth of such allegations, so same are denied.

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21 260. Diamondback denies the allegations in Paragraph 260 of the Complaint and refers all
22 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 260 of the
23 Complaint are directed to other defendants, Diamondback denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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XI. CLAIMS FOR RELIEF**COUNT ONE**
(NEGLIGENCE)

261. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

262. Diamondback denies the allegations in Paragraph 262 of the Complaint and refers all questions of law to this Honorable Court.

263. Diamondback denies the allegations in Paragraph 263 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 263 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

264. Diamondback denies the allegations in Paragraph 264 of the Complaint and refers all questions of law to this Honorable Court.

265. Diamondback denies the allegations in Paragraph 265 of the Complaint and refers all questions of law to this Honorable Court.

COUNT TWO
(PUBLIC NUISANCE)

266. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

267. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

268. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

1 269. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public
2 nuisance claim was dismissed. As such, no response to this claim is required.

3 270. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public
4 nuisance claim was dismissed. As such, no response to this claim is required.

5 271. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public
6 nuisance claim was dismissed. As such, no response to this claim is required.

7 272. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public
8 nuisance claim was dismissed. As such, no response to this claim is required.

9 273. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public
10 nuisance claim was dismissed. As such, no response to this claim is required.

11
12 **COUNT THREE**
13 **(NEGLIGENT ENTRUSTMENT)**

14 274. Diamondback hereby repeats and incorporates by reference its response to each
15 preceding and succeeding Paragraph as though fully set forth herein.

16 275. Diamondback denies the allegations in Paragraph 275 of the Complaint and refers all
17 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 275 of the
18 Complaint are directed to other defendants, Diamondback denies knowledge or information
19 sufficient to form a belief about the truth of such allegations, so same are denied.

20 276. Diamondback denies the allegations in Paragraph 276 of the Complaint and refers all
21 questions of law to this Honorable Court.

22 277. Diamondback denies the allegations in Paragraph 277 of the Complaint and refers all
23 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 277 of the
24 Complaint are directed to other defendants, Diamondback denies knowledge or information
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1 sufficient to form a belief about the truth of such allegations, so same are denied.

2 278. Diamondback denies the allegations in Paragraph 278 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 278 of the
4 Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 279. Diamondback denies the allegations in Paragraph 279 of the Complaint and refers all
8 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 279 of the
9 Complaint are directed to other defendants, Diamondback denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.
11

12 280. Diamondback denies the allegations in Paragraph 280 of the Complaint and refers all
13 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 280 of the
14 Complaint are directed to other defendants, Diamondback denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 281. Diamondback denies the allegations in Paragraph 281 of the Complaint.

18 282. Diamondback denies the allegations in Paragraph 282 of the Complaint and refers all
19 questions of law to this Honorable Court.
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21 283. Diamondback denies the allegations in Paragraph 283 of the Complaint and refers all
22 questions of law to this Honorable Court.
23

24 **COUNT FOUR**
 (NEGLIGENCE PER SE)

25 284. Diamondback hereby repeats and incorporates by reference its response to each
26 preceding and succeeding Paragraph as though fully set forth herein.
27

28 285. Diamondback denies the allegations in Paragraph 285 of the Complaint and refers all

1 questions of law to this Honorable Court.

2 286. Diamondback denies the allegations in Paragraph 286 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 286 of the
4 Complaint are directed to other defendants, Diamondback denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
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7 287. Diamondback denies the allegations in Paragraph 287 of the Complaint and refers all
8 questions of law to this Honorable Court.
9

10 **COUNT FIVE**
11 **(GROSS NEGLIGENCE)**

12 288. Diamondback hereby repeats and incorporates by reference its response to each
13 preceding and succeeding Paragraph as though fully set forth herein.

14 289. Diamondback denies the allegations in Paragraph 289 of the Complaint and refers all
15 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 289 of the
16 Complaint are directed to other defendants, Diamondback denies knowledge or information
17 sufficient to form a belief about the truth of such allegations, so same are denied.
18

19 290. Diamondback denies the allegations in Paragraph 290 of the Complaint and refers all
20 questions of law to this Honorable Court.

21 291. Diamondback denies the allegations in Paragraph 291 of the Complaint and refers all
22 questions of law to this Honorable Court.
23

24 292. Diamondback denies the allegations in Paragraph 292 of the Complaint and refers all
25 questions of law to this Honorable Court.
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27 293. Diamondback denies the allegations in Paragraph 293 of the Complaint and refers all
28 questions of law to this Honorable Court.

COUNT SIX
(UNJUST ENRICHMENT AND RESTITUTION)

294. Diamondback hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

295. Diamondback denies the allegations in Paragraph 295 of the Complaint. To the extent that the allegations in Paragraph 295 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

296. Diamondback denies the allegations in Paragraph 296 of the Complaint and refers all questions of law to this Honorable Court.

297. Diamondback denies the allegations in Paragraph 297 of the Complaint and refers all questions of law to this Honorable Court.

298. Diamondback denies the allegations in Paragraph 298 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 298 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

299. Diamondback denies the allegations in Paragraph 299 of the Complaint and refers all questions of law to this Honorable Court.

300. Diamondback denies the allegations in Paragraph 300 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 300 of the Complaint are directed to other defendants, Diamondback denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

301. Diamondback denies the allegations in Paragraph 301 of the Complaint and refers all

1 questions of law to this Honorable Court.

2 302. Diamondback denies the allegations in Paragraph 302 of the Complaint and refers all
3 questions of law to this Honorable Court.
4

5 **COUNT SEVEN**
6 **(ARIZONA’S CONSUMER FRAUD ACT)**

7 303. Diamondback hereby repeats and incorporates by reference its response to each
8 precedent and succeeding Paragraph as though fully set forth herein.

9 304. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
10 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

11 305. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
12 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

13 306. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
14 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

15 307. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
16 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

17 308. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
18 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

19 309. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
20 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

21 **COUNT EIGHT**
22 **(PUNITIVE DAMAGES)**

23 310. Diamondback hereby repeats and incorporates by reference its response to each
24 preceding and succeeding Paragraph as though fully set forth herein.
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1 311. Diamondback denies the allegations in Paragraph 311 of the Complaint and refers all
2 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 311 of the
3 Complaint are directed to other defendants, Diamondback denies knowledge or information
4 sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 312. Diamondback denies the allegations in Paragraph 312 of the Complaint and refers all
7 questions of law to this Honorable Court.
8

9 313. Diamondback denies the allegations in Paragraph 313 of the Complaint and refers all
10 questions of law to this Honorable Court.

11 **COUNT NINE**
12 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
13 **18 U.S.C. § 1962(c)**

14 **Defendant SnG Tactical**

15 314. Diamondback hereby repeats and incorporates by reference its response to each
16 preceding and succeeding Paragraph as though fully set forth herein.

17 315. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims were dismissed. As such, no response to this claim is required.
19

20 316. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
21 claims were dismissed. As such, no response to this claim is required.

22 317. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
23 claims were dismissed. As such, no response to this claim is required.
24

25 318. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
26 claims were dismissed. As such, no response to this claim is required.

27 319. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
28

1 claims were dismissed. As such, no response to this claim is required.

2 **COUNT TEN**
3 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
4 **18 U.S.C. § 1962(c)**

5 **Defendant Diamondback**

6 320. Diamondback hereby repeats and incorporates by reference its response to each
7 preceding and succeeding Paragraph as though fully set forth herein.

8 321. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
9 claims were dismissed. As such, no response to this claim is required.

10 322. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims were dismissed. As such, no response to this claim is required.

12 323. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims were dismissed. As such, no response to this claim is required.

14 324. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
15 claims were dismissed. As such, no response to this claim is required.

16 325. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims were dismissed. As such, no response to this claim is required.

18 **COUNT ELEVEN**
19 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
20 **18 U.S.C. § 1962(c)**

21 **Defendant Sprague's Sports**

22 326. Diamondback hereby repeats and incorporates by reference its response to each
23 preceding and succeeding Paragraph as though fully set forth herein.

24 327. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
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1 claims were dismissed. As such, no response to this claim is required.

2 328. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
3 claims were dismissed. As such, no response to this claim is required.

4 329. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims were dismissed. As such, no response to this claim is required.

6 330. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims were dismissed. As such, no response to this claim is required.

8 331. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
9 claims were dismissed. As such, no response to this claim is required.

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12 **COUNT TWELVE**
13 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
14 **18 U.S.C. § 1962(c)**

15 **Defendant Ammo AZ**

16 332. Diamondback hereby repeats and incorporates by reference its response to each
17 preceding and succeeding Paragraph as though fully set forth herein.

18 333. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims were dismissed. As such, no response to this claim is required.

20 334. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
21 claims were dismissed. As such, no response to this claim is required.

22 335. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
23 claims were dismissed. As such, no response to this claim is required.

24 336. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
25 claims were dismissed. As such, no response to this claim is required.

1 337. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
2 claims were dismissed. As such, no response to this claim is required.

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4 **COUNT THIRTEEN**
5 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
6 **18 U.S.C. § 1962(c)**

7 **Defendant The Hub**

8 338. Diamondback hereby repeats and incorporates by reference its response to each
9 preceding and succeeding Paragraph as though fully set forth herein.

10 339. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims were dismissed. As such, no response to this claim is required.

12 340. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims were dismissed. As such, no response to this claim is required.

14 341. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
15 claims were dismissed. As such, no response to this claim is required.

16 342. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims were dismissed. As such, no response to this claim is required.

18 343. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims were dismissed. As such, no response to this claim is required.

20 **XII. DEMAND FOR JUDGMENT**

21 Defendant denies each and every allegation contained in the Demand for Judgment of
22 Plaintiff's Complaint, including the allegations contained in the paragraphs designated "a" through
23 "k" of same.
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GENERAL DENIAL

Any allegation in the Complaint that is not specifically admitted is denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint, and each and every cause of action contained therein, is barred by the substantive immunity provided by the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03.

2. Plaintiff lacks Article III Standing to bring this suit.

3. Plaintiff's claims fail due to a lack of proximate causation.

4. Plaintiff's Complaint, and each and every cause of action contained therein, fails to state facts sufficient to state a claim.

5. Each of Plaintiff's causes of action in the Complaint are barred, in whole or in part, by the applicable statutes of limitations, thereby barring recovery of any damages, or a reduction thereto. Specifically, Defendant contends that Plaintiff's Complaint is barred, in whole or in part, by the one-year statute of limitations applicable to consumer fraud claims, A.R.S. § 12-541 (however, pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed); two-year statute of limitations for tort claims and negligence claims, A.R.S. § 12-542; the three-year statute of limitations, which applies to claims for restitution, A.R.S. § 12-543; the four-year statute of limitations, which is applicable to claims for unjust enrichment, A.R.S. § 12-550.

6. Plaintiff failed to add parties indispensable to this case, including, but not limited to, the United States Government (including but not limited to the DOJ, ATF, ICE, DEA, FBI and DHS), the alleged straw purchasers identified or unidentified in the Complaint, the alleged firearm traffickers identified and unidentified in the Complaint, the people who allegedly committed crimes with firearms sold by defendants, Mexican government, military, and law enforcement officials who supply illegal firearms to cartels, the foreign sources of firearms for cartels in Mexico, including those located in Central and South America, and the cartel members, associates, or agents thereof.

1 7. Any damages suffered by Plaintiff were proximately caused, in whole or in part,
2 by the failure of Plaintiff to exercise reasonable care in curtailing and/or remedying the ongoing
3 violence inflicted by the cartels on its own people, and therefore, Plaintiff's recovery, if any,
4 must be diminished by the proportion of the negligence, acquiescence, and/or inaction of
5 Plaintiff, which proximately caused or contributed to Plaintiff's alleged damages.

6 8. Any damages suffered by Plaintiff were proximately caused, in whole or in part,
7 by the negligence or other actionable conduct of persons or entities other than Diamondback.
8 Therefore, should Diamondback be found liable to Plaintiff as a result of the incidents alleged in
9 the Complaint, the amount of Plaintiff's recovery, if any, should be no greater than an amount
10 which is equal to Diamondback's proportionate share, if any, of the combined negligence or
11 other actionable conduct of those persons or entities whose negligence or actionable conduct
12 proximately caused Plaintiff's alleged damages.

13 9. Plaintiff has failed to mitigate its damages, if any, suffered as a result of the
14 incidents set forth in the Complaint.

15 10. Plaintiff's claims for damages are barred by the economic loss rule.

16 11. Any damages suffered by Plaintiff were a direct and proximate result of
17 superseding and intervening cause(s) based on the numerous criminal actions committed
18 subsequent to any sale of firearms by Diamondback and before the alleged harm to Plaintiff.

19 12. Plaintiff is estopped from claiming the damages alleged against SnG in the
20 Complaint because of Plaintiff's negligence, improper conduct, acquiescence and/or inaction in
21 creating, failing to curtail or remedy the ongoing violence inflicted by the cartels on its own
22 people, including the doctrine of unclean hands, including estoppel by representation, estoppel
23 by acquiescence, equitable estoppel and estoppel by convention. Plaintiff has presented or stated
24 facts that were not true and upon which Defendant detrimentally relied, including that it would
25 police its borders, stop corruption and the illegal flow of firearms within its country, and would
26 make efforts to prevent and deter cartel violence, drug violence and related firearms crimes. In
27 addition, Plaintiff's own negligence, improper conduct, acquiescence, and/or inaction in failing
28 to curtail or remedy cartel and drug violence while intentionally and/or negligently ignoring and

1 turning a blind eye to such issues precludes Plaintiff from bringing this lawsuit. Plaintiff's
 2 alleged injuries/damages were caused by its own illegal activities or the illegal activities of
 3 persons under its control. Such illegal activities would include, but are not limited to, illegal
 4 conduct with the cartels, police and law enforcement corruption, allowing persons to illegally
 5 possess firearms, obtaining firearms from illegal sources, intentionally and/or negligently
 6 ignoring and turning a blind eye to drug, cartel and illegal firearms trafficking activities in
 7 Mexico, and/or other illegal schemes or conduct that resulted in harm to Mexico's citizens
 8 and/or violence by the cartels. Further, Plaintiff has failed to control the illegal importation of
 9 firearms into Mexico on multiple borders, eliminate, curtail or remedy cartel violence, and
 10 Plaintiff's own nonfeasance and malfeasance with respect to allowing the cartels to operate
 11 and/or intentionally and/or negligently ignoring and turning a blind eye to drug, cartel and
 12 illegal firearms trafficking activities and issues in Mexico has contributed to the alleged injuries
 13 sustained by Plaintiff.

14 13. Plaintiff's claims for punitive and/or exemplary damages are precluded by
 15 operation of Ariz. Rev. Stat. § 12-689.

16 14. Plaintiff is not entitled to a damage award violative of Diamondback's due process
 17 and equal protection rights and other rights set forth in the United States Constitution or rights
 18 under the Arizona Constitution. Diamondback expressly reserves any and all constitutional
 19 defenses, claims, and arguments against the imposition of punitive damages against it or the
 20 amount of same or in any other manner relating to punitive damages. Plaintiff's claim for
 21 punitive damages against Diamondback: violates the Sixth Amendment of the United States
 22 Constitution because Diamondback is not informed of the nature and cause of the accusations
 23 against it, and thus, the allegations are void for vagueness; violates Diamondback's rights to
 24 substantive and procedural due process as provided in the Fifth and Fourteenth Amendments of
 25 the United States Constitution; violates the due process clause of Fourteenth Amendment to the
 26 United States Constitution; violates Diamondback's right to equal protection as provided in the
 27 Fourteenth Amendment to the United States Constitution; violates Diamondback's right to
 28 contract, as provided in Article I, Section 10 of the United States Constitution; exposes

Diamondback to double jeopardy in violation of the Fifth Amendment of the United States Constitution; constitutes an impermissible burden on international and interstate commerce in violation of Article I, Section 8 of the United States Constitution; violates the separation of powers doctrine embodied in Article VI of the United States Constitution; and constitutes the imposition of an excessive fine in violation of Diamondback's rights provided in the Eighth Amendment of the United States Constitution. Plaintiff's claim for punitive or exemplary damages is further barred by Article 2, Section 4, of the Arizona Constitution.

15. Diamondback invokes the provisions of Title 12, Chapter 16 of the Arizona Revised Statutes, the Uniform Contribution Among Tortfeasors Act, including the right to contribution, pro rata shares, release, comparative negligence, the lack of joint and several liability, and apportionment of fault.

16. Plaintiff's claims against Diamondback are barred or should be reduced by the comparative fault of others, including, but not limited to, Plaintiff, pursuant to Ariz. Rev. Stat. § 12-2506.

17. Diamondback did not owe Plaintiff a legal duty to protect Plaintiff or its citizens from the particular risk of harm that caused, or was the substantial factor in causing, the incidents alleged in the Complaint.

18. Plaintiff lacks prudential standing based on its quasi-sovereign interest in the health and well-being of its residents because *parens patriae* standing should not be recognized in a foreign nation unless there is a clear indication of intent to grant such standing expressed by the Supreme Court or by the two coordinate branches of government.

19. All or a portion of Plaintiff's claims are barred due to the law of the case doctrine.

20. The Court lacks subject matter jurisdiction over this case.

21. There was no special relationship between Diamondback and Plaintiff and/or the third-party actors at fault, so Diamondback did not owe Plaintiff a duty as a matter of law.

22. Plaintiff's claims are in violation of the First Amendment of the United States Constitution, which guarantees Diamondback's right to commercial free speech.

23. Plaintiff's claims are in violation of the Second Amendment of the United States

1 Constitution, which guarantees the right to bear arms, and the citizenry's right to access such
2 arms from Defendant.

3 24. Plaintiff's claims are barred by the provisions of the Commerce Clause of the
4 Constitution of the United States, Article I, Section 8.

5 25. Plaintiff's negligent entrustment claim fails because this cause of action is
6 inapplicable in the context of the sales of chattel alleged in the Complaint.

7 26. Plaintiff's claims for relief before the Court violate the United States and Arizona
8 State constitutional separation of powers in that Plaintiff seeks to have the judicial branch create
9 legislative policy.

10 27. Plaintiff's claims are too remote and derivative to permit recovery as a matter of
11 law.

12 28. Plaintiff's Complaint, which aggregates unidentified shootings by unidentified
13 persons in unidentified circumstances over an unspecified period of time, is barred by the
14 Seventh Amendment of the Constitution of the United States.

15 29. Plaintiff's claims are barred by the doctrine of laches.

16 **DEMAND FOR JURY TRIAL**

17 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Diamondback demands a
18 trial by jury of all issues triable of right by a jury in this action.

19 WHEREFORE, Diamondback hereby requests the following relief:

- 20 1. That Plaintiff takes nothing by his Complaint;
- 21 2. That Plaintiff's Complaint be dismissed with prejudice on the merits;
- 22 3. That Diamondback recovers its costs, attorney's fees, and disbursements herein;
- 23 and
- 24 4. Such other relief as the Court herein deems just and equitable.

25 Dated: December 2, 2024

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1 RENZULLI LAW FIRM LLP

2
3 By: /s/ Jeffrey Malsch
4 Christopher Renzulli, Esq. (*Pro Hac Vice*)
5 Peter Malfa, Esq. (*Pro Hac Vice*)
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13 *Attorneys for Defendants*
14 *Diamondback Shooting Sports, Inc.,*
15 *Loan Prairie, LLC d/b/a The Hub,*
16 *SNG Tactical, LLC and*
17 *Sprague's Sports, Inc.*
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CERTIFICATE OF SERVICE

I, Jeffrey Malsch, hereby certify that this document was filed with the Clerk of the Court via CM/ECF. Those attorneys who are registered with the Court's electronic filing system may access this filing through the Court's CM/ECF system, and notice of this filing will be sent to these parties by operation of the Court's electronic filings system.

Dated: December 2, 2024

By: /s/ Jeffrey Malsch
Jeffrey Malsch
jmalsch@renzullilaw.com